

Official Draft Public Notice Version –August 2015

The findings, determinations, and assertions contained in this document are not final and are subject to change following the public comment period.

**STATE OF UTAH
DIVISION OF WATER QUALITY
WATER QUALITY BOARD
P.O. BOX 144870
SALT LAKE CITY, UTAH 84114-4870**

**Ground Water Discharge Permit
Permit No. UGW510004**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

**United States Bureau of Reclamation
Upper Colorado Regional Office
P.O. Box 11568
Salt Lake City, Utah 84147**

is granted a Ground Water Discharge Permit for the Royal Street Landfill-Olson/Neihart Mine Tailings Relocation located at Latitude 40° 37' 30" North, Longitude 111° 26' 15" West, in accordance with conditions set forth herein.

This permit supersedes all previously issued ground water discharge permits for the Royal Street Landfill-Olson/Neihart Mine Tailings Relocation and covers the existing facility.

The permit is based on representation made by the permittee and other information contained in the administrative record. It is the responsibility of the permittee to read and understand all provisions of this permit.

This permit shall become effective on

This permit and authorization to operate shall expire at midnight

Signed this date

Walter L. Baker, P.E.
Director

TABLE OF CONTENTS

Part

I. SPECIFIC CONDITIONS 3

- A. Groundwater Classification 3**
- B. Background Groundwater Quality 3**
- C. Groundwater Protection Levels 3**
- D. Best Available Technology Standard 4**
 - 1. Authorized Construction 4
 - 2. Design and Construction 4
 - 3. Leachates Collected 6
- E. Compliance Monitoring 6**
 - 2. Future Modification of the Monitoring Well Network 7
 - 3. Semi-Annual Monitoring Requirements 7
 - 4. Other Post-Closure Monitoring 8
- F. Non-Compliance Status 8**
 - 1. Probably Out-of-Compliance Status 8
 - 2. Out-of-Compliance Status 9
- G. Reporting Requirements 9**
 - 1. Semi-Annual Monitoring 9
 - 2. Water Level Measurements 10
 - 3. Groundwater Quality Sampling 10
 - 4. Observation of the Leachate Collection Manhole 10
 - 5. Other Post-Closure Monitoring 10

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS 11

- A. Representative Sampling 11**
- B. Analytical Procedures 11**
- C. Penalties for Tampering 11**
- D. Reporting of Monitoring Results 11**
- E. Compliance Schedules 11**
- F. Additional Monitoring by the Permittee 11**
- G. Records Contents 12**
- H. Retention of Records 12**
- I. Twenty-four Hour Notice of Noncompliance Reporting 12**
- J. Other Noncompliance Reporting 13**
- K. Inspection and Entry 13**

III. COMPLIANCE RESPONSIBILITIES 14

- A. Duty to Comply 14**
- C. Need to Halt or Reduce Activity not a Defense 14**
- D. Duty to Mitigate 14**
- E. Proper Operation and Maintenance 14**

IV. GENERAL REQUIREMENTS 15

- A. Planned Changes 15**
- B. Anticipated Noncompliance 15**
- C. Spill Reporting 15**
- D. Permit Actions 15**
- E. Duty to Reapply 15**

F.	<u>Duty to Provide Information</u>	15
G.	<u>Other Information</u>	16
H.	<u>Signatory Requirements</u>	16
I.	<u>Penalties for Falsification of Reports</u>	17
J.	<u>Availability of Reports</u>	17
K.	<u>Property Rights</u>	17
L.	<u>Severability</u>	17
M.	<u>Transfers</u>	18
N.	<u>State Laws</u>	18
O.	<u>Reopener Provisions</u>	18

PND Draft

Part I. SPECIFIC CONDITIONS

A. **Groundwater Classification**

Based on groundwater quality data submitted in the permit application, groundwater at the site is defined as Class IA Pristine Ground Water.

B. **Background Groundwater Quality**

Based on the chemical characteristics of the tailings and existing data from monitoring wells MW-1A, MW-2E, MW-3B, and MW-4A completed in the alluvial aquifer, background ground water quality is defined in Table 1.

C. **Groundwater Protection Levels**

Groundwater quality at the down-gradient compliance monitoring wells shall not exceed the groundwater protection levels, defined in Table 2, and Part I.F.1.

Table 1: Background ^(a) Groundwater Quality (mg/l)

Parameter	MW-1A Up-gradient	MW-2E Down-gradient	MW-3B Down-gradient	MW-4A Down-gradient
pH (units)	7.09	7.09	7.09	7.09
Nitrate	0.1341	0.7492	1.4258	0.4966
Arsenic	0.005 ^(b)	0.005 ^(b)	0.0051	0.0053
Barium	0.1046	0.0967	0.0860	0.1143
Cadmium	0.0041	0.004 ^(b)	0.004 ^(b)	0.0041
Chromium	0.0127	0.0072	0.007 ^(b)	0.007 ^(b)
Copper	0.0756	0.0549	0.0686	0.0457
Lead	0.005 ^(b)	0.0089	0.0060	0.0079
Mercury	0.0002 ^(b)	0.0003	0.0002 ^(b)	0.0003
Selenium	0.002 ^(b)	0.0021	0.002 ^(b)	0.002 ^(b)
Silver	0.0064	0.0045	0.0043	0.0043
Zinc	0.0189	0.0221	0.0841	0.0811
TDS	461	366	304	370

(a) Background equals mean concentration.

(b) Equals method detection limit for the reported analytical method.

mg/l Milligrams per liter

TDS Total dissolved solids

**Table 2: Groundwater Protection Levels (mg/l)
Downgradient Monitoring Wells**

Parameter	MW-2E	MW-3B	MW-4A
pH (units)	6.5-8.5	6.5-8.5	6.5-8.5
Nitrate	1.00 ^(a)	2.206 ^(b)	1.00 ^(a)
Arsenic	0.005 ^(a)	0.005 ^(a)	0.005 ^(a)
Barium	0.2 ^(a)	0.2 ^(a)	0.282 ^(b)
Cadmium	0.0005 ^(a)	0.0005 ^(a)	0.0005 ^(a)
Chromium	0.01 ^(a)	0.01 ^(a)	0.01 ^(a)
Copper	0.2395 ^(b)	0.1908 ^(b)	0.172 ^(b)
Lead	0.0120 ^(b)	0.0141 ^(b)	0.015 ^(d)
Mercury	0.0002 ^(a)	0.0002 ^(a)	0.0002 ^(a)
Selenium	0.005 ^(a)	0.005 ^(a)	0.005 ^(a)
Silver	0.01 ^(a)	0.01 ^(a)	0.01 ^(a)
Zinc	0.500 ^(a)	0.500 ^(a)	0.500 ^(a)
TDS	550 ^(b)	410 ^(b)	474 ^(c)

- (a) Equals 0.1 x Ground Water Quality Standard.
- (b) Equals Mean + 2 Standard Deviations
- (c) Equals 1.25 x Background
- (d) Equals Ground Water Quality Standard

D. Best Available Technology Standard

1. Authorized Construction - the landfill consists on one cell for the disposal of mine tailings from the Olson/Neihart Reservoir and associated spills. The cell dimensions are approximately 1,900 feet by 1,200 feet.
2. Design and Construction - construction consists of, and is built according to the design found in the specifications and on drawings 66-400-1600 through 66-400-1602 Olson/Neihart Tailings Relocation, U.S. Bureau of Reclamation (PERMITTEE) Solicitation Document No. 0-S1-40-09330 dated March 22, 1990.
 - a) Clay Bottom Liner - the bottom liner consists of clay, with a uniform minimum 3-foot thickness, installed in 6-8 inch lifts; each compacted to 95% maximum dry density. The hydraulic conductivity of the clay does not exceed 1.0×10^{-7} cm/sec for any lift, or portion thereof. This layer is further augmented by a 60 mil FML geotextile mat. The upper surface of the clay bottom liner extends across the bottom with a 2% slope towards the leachate collection pipe. The clay bottom liner also extends up the interior slopes of the cell which is constructed on a 3:1 grade.

- b) Leachate Collection System - the leachate collection system consists of a sand layer at least 12 inches thick, with a uniform minimum hydraulic conductivity of 1.0×10^{-2} cm/sec, placed in the bottom of the landfill, immediately above the clay liner. A perforated PVC pipe is installed near the centerline of cell in the sand layer which grades on at least a 2% slope to a collection sump. The pipe is isolated from the sand layer by crushed rock and a geotextile fabric. Perforations in the pipe are sized to keep the sand out.
- c) Tailings - tailings are emplaced in the landfill in such a manner so as to provide structural integrity and stability for the overlying cap.
- d) Cap - cap construction, in ascending location, consists of:
- 1) Gas Vent Sand Layer - a 6 inch thick sand layer for gas removal and a barrier to unsaturated flow. This sand has a uniform minimum hydraulic conductivity of 1.0×10^{-2} cm/sec. The sand is emplaced in such a manner so as to provide structural integrity and stability of the overlying materials. This layer is vented to the atmosphere through 4 inch diameter gas vent tubes.
 - 2) Clay Upper Liner - the clay upper liner is equivalent to the clay bottom liner in terms of hydraulic conductivity, individual lift thickness, and compaction. The upper clay liner is two feet thick and is merged with the bottom clay liner at the periphery of the cell to form a monolithic envelope-like construction. The upper surface of the liner is graded in order to provide drainage for the overlying layers, as per the PERMITTEE Solicitation Document No. 0-S1-40-09330.
 - 3) Flexible Membrane Liner (FML) - a 60 mil high density polyethylene membrane liner is installed immediately above the upper clay liner. The FML is extended completely across the entire cell. Care was taken in installing all seams so as to prevent flaws or leaks and to maintain structural and hydraulic integrity of the FML.
 - 4) Sand Drainage Layer - a uniform 12 inch minimum thickness layer of sand is placed immediately above the FML. This sand material has a minimum uniform hydraulic conductivity of 1.0×10^{-2} cm/sec. Pipes are installed into the layer to allow infiltration to be discharged to surface drainage and thereby removed from the cap.

- 5) Native Soil and Topsoil Layers - layers of native soil and topsoil are placed immediately above the sand drainage layer. This layer is graded and sloped as per design shown on the Olson/Neihart Tailings Relocation PERMITTEE Solicitation No. 0-SI-40-09330, drawings 66-400-1600 and 66-400-1601.
 - 6) Native Grasses - native grasses are planted and established on the topsoil to prevent erosion of the cap and provide removal of infiltration by evapotranspiration.
 - e) Run-on and Run-off Control - surface run-on is controlled by site grading and ditches to direct drainage away from the cell. Runoff is controlled by berms, let-down ditches, and rip-rap to prevent erosion.
3. Leachates Collected - The leachate collection system will be operated and maintained to assure free drainage of the landfill. This level has been determined to be 15 feet, measured from the bottom of the manhole. Therefore, the maximum depth that leachate can be allowed to collect in the manhole collection system is 15 feet. Leachates collected in the leachate collection manhole during both construction and operation of the landfill will not be discharged to surface or ground waters without prior approval from the Director. These leachates will be sampled from the manhole, and analyzed as per the requirements of Part I.E.3.c below. After determination of their chemical characteristics, the leachates may be discharged or disposed of in accordance with Director approval. If while awaiting approval it is necessary to pump the manhole, all fluids shall be maintained in a tank.

E. Compliance Monitoring Requirements

1. Ground Water Monitoring Requirements
 - a. Monitoring well MW-1A is placed hydraulically up-gradient and is used as the background monitoring point.
 - b. Monitoring wells MW-2E, MW-3B, and MW-4A have been placed hydraulically down-gradient of the landfill and will be used as the compliance monitoring points (MW-2E is north-north east, MW-3B is east-northeast and MW-4A is east-southeast of the landfill).
 - c. Protection of Monitoring Well Network - All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to surface spills. They shall be maintained in full operational condition for the life of this permit. Any well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the Permittee within 90 days or as directed by the Director.

- d. Down-gradient wells are completed in zones where potential leachates from the landfill can be reliably detected.
2. Future Modification of the Monitoring Well Network - if at any time the Director determines the monitoring well network to be inadequate, due to a rise in the water table caused by filling of the nearby Jordanelle Reservoir, or for any other reason, the PERMITTEE shall submit within 30 days of receipt notification, a plan and compliance schedule to modify the well network.
 3. Semi-Annual Ground Water Sampling\Frequency Requirements
 - a) Ground Water Level Measurements - Ground water level measurements shall be made in each monitoring well prior to any collection of ground water samples. These measurements will be made from a permanent single reference point clearly demarcated on the top of the well or surface casing. Measurements will be made to the nearest 0.1 foot.
 - b) Ground Water Quality Sampling - grab samples of ground water from all compliance monitoring wells will be collected for chemical analysis in conformance with the Water Quality Monitoring QA/QC Plan that has been approved by the Director.
 - 1) Analysis by Certified Laboratories - analysis of any groundwater sample shall be performed by laboratories certified by the State Health Laboratory.
 - 2) Groundwater Analytical Methods - methods used to analyze ground water samples must comply with the following:
 - i) Are methods cited in UAC R317-6-6.3L, and
 - ii) Have detection limits which meet or are lower than the groundwater protection levels found in Part I.C above.
 - 3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:
 - i) Field Parameters - pH, temperature, and specific conductance.
 - ii) Laboratory Parameters
 - Major Anions and Cations including: chloride, sulfate, carbonate, bicarbonate, sodium, potassium, magnesium, and calcium.
 - Protection Level Parameters - provided in Table 2 above.

- c) Leachate Collection Manhole
 - 1) Observation - visual observation of the leachate collection manhole will be conducted semi-annually to determine the presence of fluids.
 - 2) Sampling if Fluids Present - if fluids are observed in the manhole, the permittee will collect samples of the fluid for chemical analysis on a semi-annual basis. Analysis parameters shall be the same as those required for groundwater monitoring in Part I.E.3.b.3 above. These fluids will be managed as per the requirements of Part I.D.3 above.
- 4. Other Post-Closure Monitoring - other visual inspection of the landfill will be conducted semi-annually to determine general conditions, including:
 - a) Condition of any drainage ditches, including erosion or blockage
 - b) Condition of the landfill's cap, including erosion, settlement, animal burrows, cover grasses, presence or growth of trees or large brush.
 - c) External condition of monitoring wells.
 - d) Condition of fence and access road.

F. Non-Compliance Status

- 1. Probable Out-of-Compliance Status - The Permittee shall evaluate results of each round of groundwater sampling and analysis to determine any exceedence of the groundwater protection levels found in Table 2 of Part I.C above. Upon determination by the Permittee that a groundwater protection level has been exceeded at any down-gradient compliance monitoring well, the Permittee shall:
 - a) Notify the Director of the probable out-of compliance status within 30 days. No accelerated sampling will be required if none of the parameters listed in Table 2 have been exceeded, unless specifically directed by the Director.
 - b) Upon exceedence of any one parameter list in Table 2 for two consecutive biannual sampling events, immediately implement an accelerated schedule of quarterly, or as determined by the Director, groundwater sampling and analysis, consistent with the requirements of this permit. This quarterly sampling will continue for at least two

quarters or until the compliance status can be determined by the Director. Reports of the results of this sampling will be submitted to the Director as soon as they are available, but not later than 30 days from each date of sampling.

2. Out-of-Compliance Status

- a) Notification and Accelerated Monitoring - The Permittee shall evaluate and determine that upon exceedence of the GWPL by two standard deviations for the second round of compliance sampling constitutes an out-of-compliance status. Upon determination by the permittee, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the permittee shall:
- 1) Verbally notify the Director of the out-of-compliance status within 24 hours, and provide written notice within 5 days of the detection, and
 - 2) Immediately implement an accelerated schedule of quarterly ground water monitoring which shall continue for at least two quarters or until the landfill is brought into compliance.
- b) Source and Contamination Assessment Study Plan - within 30 days of the verbal notice to the Director required in Part I.F.2.a above, the permittee shall submit an assessment study plan and compliance schedule for:
- 1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
 - 2) Assessment of the extent of the groundwater contamination and any potential dispersion.
 - 3) Evaluation of potential remedial actions to restore and maintain groundwater quality, and ensure that the ground water standards will not be exceeded at the down-gradient compliance monitoring wells.

G. Reporting Requirements

1. Semi-Annual Monitoring - monitoring required in Part I.E.3 above shall be reported according to the following schedule, unless modified by the Director:

<u>Semi-Annual Period</u>	<u>Report Due</u>
1st (Oct., Nov., Dec., Jan., Feb., March)	April 15
2nd (April, May, June, July, Aug., Sept.)	Oct. 15

2. Water Level Measurements - water level measurements from ground water monitoring wells will be reported as measured depth to ground water.
3. Groundwater Quality Sampling - reporting will include:
 - a) Field Data Sheets - or copies thereof, including the field measurements, required in Part I.E.3 .b.3 above, and other pertinent field data, such as: well name/number, date and time, names of sampling crew, type of sampling pump or bail, volume of water purged before sampling.
 - b) Results of Groundwater Analysis - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.
4. Observation of the Leachate Collection Manhole - reporting will include:
 - a) Presence or absence of fluid.
 - b) Volume of fluid observed in the manhole (reported water level), if present.
 - c) Results of sampling and analysis of collected leachate fluids. The report of these results will meet the same requirements for groundwater samples in Part I.G.3 above.
 - d) The fate of current disposition of the fluids in the manhole.
5. Other Post-Closure Monitoring - the permittee shall report in writing within 30 days of detection any observation cited in Part I.E.4 above that may jeopardize the structural or hydraulic integrity of the landfill's cap. This report will also contain a corrective action plan and compliance schedule by which to remedy the problem.

Part II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. **Representative Sampling**

Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.

B. **Analytical Procedures**

Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3.L, unless other test procedures have been specified in this permit.

C. **Penalties for Tampering**

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

D. **Reporting of Monitoring Results**

Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:

Keith Eagan, P.G.
State of Utah
Division of Water Quality
Department of Environmental Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section

E. **Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. **Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

G. Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Thursday 7:00 am - 6:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II.D are submitted.

K. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

Part III. **COMPLIANCE RESPONSIBILITIES**

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

Part IV. GENERAL REQUIREMENTS

A. **Planned Changes.**

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. **Anticipated Noncompliance.**

The Permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. **Spill Reporting**

The Permittee shall immediately report as per UCA 19-5-114 of the Utah Water Quality Act any spill or leakage which is not totally contained by a collection system. This report shall be made to the phone numbers given in Part III.I.1. A written report will be required within 5 days of the occurrence and should address the requirements of UCA 19-5-114 and Parts III.I.2 and 3 of this permit.

D. **Permit Actions.**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

E. **Duty to Reapply.**

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.

F. **Duty to Provide Information.**

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

G. Other Information.

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

H. Signatory Requirements.

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If authorization under Part V.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. Penalties for Falsification of Reports.

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

J. Availability of Reports.

Except for data determined to be confidential by the Permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

K. Property Rights.

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability.

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers.

This permit may be automatically transferred to a new Permittee if:

1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement as described in Part V.M.2, above.

N. State Laws.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

O. Reopener Provisions.

This permit may be reopened and modified pursuant to R317-6-6.6.B or R317-6-6.10.C to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The Permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. Changes have been determined in background ground water quality.
3. When at the end of the accelerated monitoring period, protection levels for the new wells are established.
4. When approval of any Compliance Schedule Item, under Part II.H, is considered, by the Director, to be a major modification to the permit.